IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

Wednesday, the Twenty First Day of July, Two Thousand and Four

Present :

The Hon'ble Mr.Justice J.CHELAMESWAR

W.P.No.11239 of 1994

Between :

T.Musalaiah,

S/o Pentaiah, Attender,

Indira Town Branch Guntur Dist. Coop.

Central Bank Ltd., Tenali,

Guntur District .. Petitioner

And

The Guntur District Cooperative

Central Bank Limited, Tenali,

Administrative Office, Brodipet, Guntur

Rep. by its General Manager .. Respondent

Petition under Article 226 of the Constitution of India to issue an appropriate Writ, order or direction more in nature of WRIT OF MANDAMUS, to the respondent here into continue the petitioner in service till the completion of 60 years in terms of the Industrial Tribunal award published in G.O.Ms.No.576

(Labour-1) dated 23.4.1970 and to restrain from giving effect to the notice in P.M.file No.130/94, dated 30.5.1994 of the General Manager, Guntur District Coop. Central Bank Ltd., Tenali, Admn. Office at Guntur by declaring the same as being void, and without any authority in law and being contrary to Rule 28 particularly 28(5) of A.P.C.S. Rules, 1964 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the petitioner : Mr.Y.Venkata Sastry

Counsel for the respondents : Govt. Pleader for Cooperatives

The Court made the following **ORDER :**

Writ Petition is filed with the prayer as follows :

> "to issue an appropriate Writ, order or direction more in nature of WRIT OF MANDAMUS, to the respondent here into continue the petitioner in service till the completion of 60 years in terms of the Industrial Tribunal award published in G.O.Ms.No.576 (Labour-1) dated 23.4.1970 and to restrain from giving effect to the notice in P.M.file No.130/94, dated 30.5.1994 of the General Manager, Guntur District Coop. Central Bank Ltd., Tenali, Admn. Office at Guntur by declaring the same as being void, and without any authority in law and being contrary to Rule 28 particularly 28(5) of A.P.C.S. Rules, 1964 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner was working with the respondent Bank. According to the petitioner, he was working as an `Attender', but according to the Bank, he was working as `Shroff'. The respondent Bank by its proceedings dated 30.5.1994, put the petitioner on notice that he would retire with effect from 30th June, 1994, as he

would attain the age of 58 years on that day as per the service record wherein his date of birth was entered as 1st July, 1936. Challenging the said notice, the present writ petition is filed.

The case of the petitioner is that he was working as an `Attender', but not as a `Shroff' and if his submission of working as Attender is accepted, that he would be entitled to continue in service till the age of 60 years in terms of an award governing the relationship between the petitioner and the respondent by Industrial Tribunal in I.D.No.8/75 made on 10.5.1976.

By virtue of an interim order passed by this Court, the petitioner admittedly continued in service till the age of 60 years and retired thereafter some eight years back. I do not see any useful purpose in adjudicating upon the dispute involved in the present writ petition at this stage. Therefore, the writ petition is dismissed as infructuous.

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knk 21.07.2004

To

1. The General Manager Guntur District Cooperative

Central Bank Limited, Tenali,

Administrative Office, Brodipet, Guntur

2. Two CCs to the G.P. for Cooperatives, High Court Buildings, Hyderabad (OUT).

3. Two CD copies